

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Oskar Zelder et al.

Confirmation No.: 4903

Application No.: 10/579,690

Group Art Unit: 1632

Filed: March 9, 2007

Examiner: Iqbal Hossain Chowdhury

For: METHODS FOR THE PREPARATION OF
LYSINE BY FERMENTATION OF
CORYNEBACTERIUM GLUTAMICUM

**PETITION TO CORRECT DATE OF COMPLETION
OF THE REQUIREMENTS UNDER 35 U.S.C. §371 (c)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby petition to correct the date of completion of the requirements under 35 U.S.C. §371 (c) for the above application. As the attached documents and the record in PAIR show, the last requirement submitted was a declaration submitted with the certificate of express mail on March 9, 2007. However, the US Patent Office identified the completion of requirements under §371 (c) as March 6, 2007. Correction is requested so that the divisional application, US application number 12/021,081, and its divisional US application number 12/533,677 (still pending) may have the priority data correctly recorded.

The requirements of filing correspondence by express mail under 37 U.S.C. §1.10 were complied with. This petition is filed promptly after the undersigned became aware that an improper 371 (c) date was recorded. The number of the express mail mailing label accompanying the declaration and power of attorney, specifically, express mail Airbill # EV 957 645 833 US was indicated on the Transmittal Letter (PTO-1390) accompanying the submission of the Declaration. Enclosed is a true copy of this Transmittal Letter showing the official notification by the US, Patent Office that it was received on March 9, 2007. Furthermore, PAIR shows that this document was received on March 9, 2007. Correction is earnestly requested.

As the error was made by the Patent and Trademark Office, Applicants believe no fee is due with this request. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 12810-00913-US from which the undersigned is authorized to draw.

Dated: July 28, 2010

Respectfully submitted,

Electronic signature: /Christine M. Hansen/
Christine M. Hansen

#789358

Registration No.: 40,634
CONNOLLY BOVE LODGE & HUTZ LLP
1007 North Orange Street
P. O. Box 2207
Wilmington, Delaware 19899-2207
(302) 658-9141
(302) 658-5614 (Fax)
Attorney for Applicant

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER BGI-158US
INTERNATIONAL APPLICATION NO. PCT/IB2004/004429	INTERNATIONAL FILING DATE 17 December 2004	U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/579690
TITLE OF INVENTION METHODS FOR THE PREPARATION OF LYSINE BY FERMENTATION OF CORYNEBACTERIUM GLUTAMICUM		PRIORITY DATE CLAIMED 18 December 2003
APPLICANT(S) FOR DO/EO/US Oskar ZELDER <i>et al.</i>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.		
2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.		
3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.		
4. <input type="checkbox"/> The US has been elected (Article 31).		
5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2))		
a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).		
b. <input type="checkbox"/> has been communicated by the International Bureau.		
c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).		
6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).		
a. <input type="checkbox"/> is attached hereto.		
b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).		
7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))		
a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).		
b. <input type="checkbox"/> have been communicated by the International Bureau.		
c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.		
d. <input type="checkbox"/> have not been made and will not be made.		
8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).		
9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).		
10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).		
Items 11 to 20 below concern document(s) or information included:		
11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.		
12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.		
13. <input type="checkbox"/> A preliminary amendment.		
14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.		
15. <input type="checkbox"/> A substitute specification.		
16. <input type="checkbox"/> A power of attorney and/or change of address letter.		
17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825.		
18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).		
19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Page 2 of 3

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ 0.00 to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 12-0080. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Giulio A. DeConti, Jr., Esq.
LAHIVE & COCKFIELD, LLP
One Post Office Square
Boston, Massachusetts 02109-2127
(617) 227-7400

CUSTOMER NUMBER: 00959

VIA: Express Mail: Airbill No. EV 957 645 833 US
March 9, 2007


SIGNATURE

Maria Laccotripe Zacharakis, Ph.D., J.D.
NAME

56,266
REGISTRATION NUMBER



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/579,690	FIRST NAMED APPLICANT Oskar Zelder	ATTY. DOCKET NO. BGI158US
---	---------------------------------------	------------------------------

INTERNATIONAL APPLICATION NO. PCT/IB04/04429

I.A. FILING DATE 12/17/2004	PRIORITY DATE 12/18/2003
--------------------------------	-----------------------------

959
LAHIVE & COCKFIELD, LLP
ONE POST OFFICE SQUARE
BOSTON, MA 02109-2127

DOCKETED

Mar. 10, 2007 - Missing Requirements

AUG. 10, 2007 - Exp w/s Ext

CONFIRMATION NO. 4903

371 FORMALITIES LETTER



OC000000021924455

Date Mailed: 01/10/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

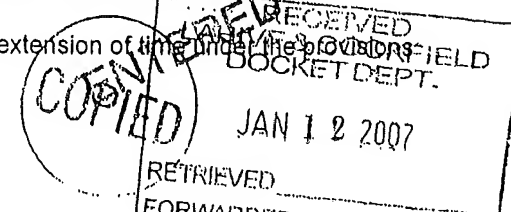
- Copy of the International Application filed on 05/18/2006
- Copy of the International Search Report filed on 05/18/2006
- Preliminary Amendments filed on 05/18/2006
- Biochemical Sequence Diskette filed on 05/18/2006
- Biochemical Sequence Listing filed on 05/18/2006
- U.S. Basic National Fees filed on 05/18/2006
- Priority Documents filed on 05/18/2006
- Specification filed on 05/18/2006
- Claims filed on 05/18/2006
- Abstracts filed on 05/18/2006
- Drawings filed on 05/18/2006
- Paper nucleotide sequence listings filed on 05/18/2006

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).



Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

PAULETTE R KIDWELL

Telephone: (703) 308-9140 EXT 216

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/579,690	PCT/IB04/04429	BGI158US

Express Mail Label No. EV 957 645 833 US Dated: March 9, 2007

Docket No.: BGI-158US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Oskar Zelder *et al.*

Application No.: 10/579,690

Confirmation No.: 4903

Filing Date of
International Application: 17 December 2004

Art Unit: N/A

For: METHODS FOR THE PREPARATION OF
LYSINE BY FERMENTATION OF
CORYNEBACTERIUM GLUTAMICUM

Examiner: Not Yet Assigned

MS PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C.
371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE**

Dear Sir:

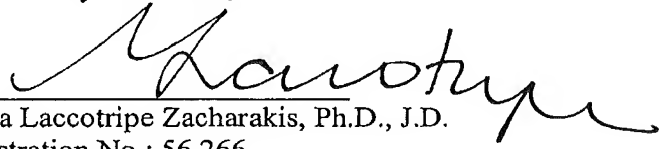
In response to the Notification of Missing Requirements Under 35 U.S.C. 371, dated January 10, 2007, Applicant(s) respectfully submit(s) a Declaration, Petition and Power of Attorney, a copy of the Notification of Missing Requirements and an Information Disclosure Statement.

Applicants believe that no additional fee is required with this submission. However, if Applicants are in error, the Commissioner is authorized to charge any deficiency in the fees filed, or credit any overpayment to Deposit Account No. 12-0080, under Order No. BGI-158US, from which the undersigned is authorized to withdraw.

Dated: March 9, 2007

Respectfully submitted,

By


Maria Laccotripe Zacharakis, Ph.D., J.D.
Registration No.: 56,266
LAHIVE & COCKFIELD, LLP
One Post Office Square
Boston, Massachusetts 02109-2127
(617) 227-7400
(617) 742-4214 (Fax)
Attorney/Agent For Applicant

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION, PETITION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHODS FOR THE PREPARATION OF LYSINE BY FERMENTATION OF
CORYNEBACTERIUM GLUTAMICUM

the specification of which was filed on December 17, 2004 as Application No.
PCT/IB2004/004429, and USSN 10/579690 filed on May 18, 2006.

In the event that the filing date and/or Application No. are not entered above at the time I execute this document, and if such information is deemed necessary, I hereby authorize and request my attorneys/agent(s) at **Lahive & Cockfield, LLP**, One Post Office Square, Boston, Massachusetts 02109, to insert above the filing date and/or Application No. of said application.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment, if any, specifically referred to herein.

I acknowledge the duty to disclose all information known to me that is material to patentability in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint:

All practitioners at Customer Number 00959

all of **Lahive & Cockfield, LLP**, One Post Office Square, Boston, Massachusetts 02109, jointly, and each of them severally, my attorneys at law/patent agent(s), with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the U. S. Patent and Trademark Office connected therewith.

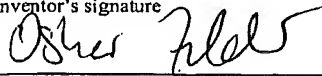
The undersigned hereby authorizes the U.S. attorney or agent named herein to accept and follow instructions from BASF Aktiengesellschaft as to any action to be taken in the United States Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. attorney or agent named herein will be so notified by the undersigned.

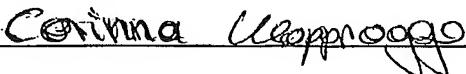
Please mail all correspondence to Giulio A. DeConti, Jr. at **Customer Number** 00959, whose address is:

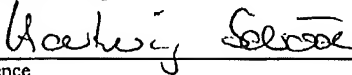
Lahive & Cockfield, LLP
One Post Office Square
Boston, Massachusetts 02109

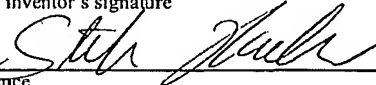
Please direct telephone calls to: Giulio A. DeConti, Jr. at (617) 227-7400.

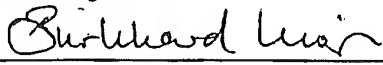
Please direct facsimiles to: (617) 742-4214

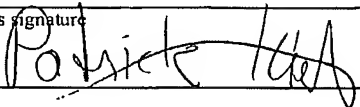
Full name of sole or first inventor Oskar ZELDER	
Sole or first inventor's signature 	Date 31.1.2006
Residence Speyer, Germany	
Citizenship Germany	
Mailing Address Franz-Stutzel-Str. 8 67346 Speyer GERMANY	

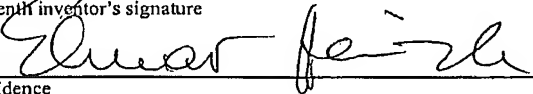
Full name of second inventor, if any Corinna KLOPPROGGE	
Second inventor's signature 	Date 18.9.2006
Residence Ludwigshafen, Germany	
Citizenship Germany	
Mailing Address Diemersteinstr. 3 67065 Ludwigshafen GERMANY	

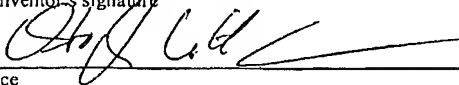
Full name of third inventor, if any Hartwig SCHRÖDER	
Third inventor's signature 	Date 01.09.2006
Residence Nußloch, Germany	
Citizenship Germany	
Mailing Address Benzstrasse 4 69226 Nußloch GERMANY	

Full name of fourth inventor, if any Stefan HÄFNER	
Fourth inventor's signature 	Date 01.09.2006
Residence Ludwigshafen, Germany	
Citizenship Germany	
Mailing Address Luitpoldstrasse 11 67063 Ludwigshafen GERMANY	

Full name of fifth inventor, if any Burkhard KRÖGER	
Fifth inventor's signature 	Date 14.8.2006
Residence Limburgerhof, Germany	
Citizenship Germany	
Mailing Address Im Waldhof 1 67117 Limburgerhof GERMANY	

Full name of sixth inventor, if any Patrick KIEFER	
Sixth inventor's signature X 	Date X 03 August 2006
Residence Saarbrücken, Germany	
Citizenship Germany	
Mailing Address AM Homburg 5G 66123 Saarbrücken GERMANY	

Full name of seventh inventor, if any Elmar HEINZLE	
Seventh inventor's signature X 	Date X 23 June 2006
Residence Saarbrücken, Germany	
Citizenship Germany	
Mailing Address Senator-Richard-Becher-Strasse 48 66123 Saarbrücken GERMANY	

Full name of eighth inventor, if any Christoph WITTMANN	
Eighth inventor's signature X 	Date X 23 June 2006
Residence Saarbrücken, Germany	
Citizenship Germany	
Mailing Address AM Kalkofen 13 66127 Saarbrücken GERMANY	